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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,528	02/02/2001	Yoshinori Takahashi	121.1016	6279

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EXAMINER

LE, DAVID Q

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,528

Applicant(s)

TAKAHASHI ET AL.

Examiner

David Q Le

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3621

DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 10, 12, 16, 17, 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bereiter, US Patent No. 5,754,763.

As per claims 1, 10, 16, 20.

Bereiter discloses:

An [apparatus/medium] for managing software licenses (Abstract; Summary of the Invention) comprising:

[Means/unit] for managing a total number of software licenses owned by an entire organization (Abstract; Summary of the Invention);

Art Unit: 3621

...for collecting inventory information from each of a plurality of computers within the organization, the inventory information including information regarding software actually installed in each computer (Abstract; Summary of the Invention); and

...for calculating a difference between the number of software licenses owned by the entire organization and a number of software licenses actually in use which is calculated on the basis of the collected inventory information (Abstract; Summary of the Invention) and for outputting information representing an excessive or insufficiency in the number of software licenses or information regarding purchase of additional software licenses (C9, L23-36).

As per **claims 3, 12, 17.**

Bereiter discloses

An [apparatus/medium] for managing software licenses (Abstract; Summary of the Invention) comprising:

means for storing a total number of software licenses owned by an entire organization and a total number of software licenses allotted to each section of the organization (Abstract; Summary of the Invention; Fig 1, associated text);

means for collecting inventory information from each of a plurality of computers within the organization (Abstract; Summary of the Invention), the inventory information including information regarding software actually installed in each computer; and

means for calculating a difference between the number of software licenses allotted to each section of the organization and a number of software licenses actually used in the section which is calculated on the basis of the collected inventory information (Abstract; Summary of the Invention) and for outputting warning information in a case that the number of software licenses in actual use is greater than the number of allotted software licenses (Fig 7: "Issue Warning"; associated text; C8, L62 - C9, L7).

As per **claim 21.**

Bereiter discloses all the limitations of claim 20.

Bereiter further discloses (see above citations)

the calculating unit outputs an information which is decided according to the calculation.

Art Unit: 3621

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bereiter**.

As per **claim 22**.

Bereiter discloses all the limitations of claim 20.

He does not disclose

...the calculating unit displays of software licenses, the screen organization displayed in the of usage of software licenses within the hierarchy, and the state of usage of software licenses including the number of software licenses allotted to the selected section and a number of software licenses actually in use at the selected section which is calculated on the basis of the collected inventory information.

a screen of a state of usage including a hierarchy of the form of a tree and the state within each selected section.

However Bereiter does disclose a user interface for an administrator of the license management system or management personnel may view the system resources, identified on a screen by "icons" (C6, L42-49), all implemented in "a known manner". The use of such icons, including hierarchical tree structures to illustrate an organization's resource use is well known in the art, and would have been obvious for one ordinarily skilled in the art to implement, in order to make the results easier to view and to comprehend on a computer display.

6. **Claims 2, 4-9, 11, 13-15, 18-19, 23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bereiter** in view of **Duvvoori et al.**, US Patent No. 6,021,438.

As per **claims 5, 18.**

Bereiter discloses all the limitations of this claim (see all above citations) except for .. outputting information which indicates that the section is allotted an excess number of software licenses compared with the number of software licenses in actual use.

Duvvoori discloses that reports will be generated on the basis of the auditing of license usage (C7, L8-11: reports: Fig 1, associated text).

While neither reference specifically recites the exact language of the above limitation, it would have been obvious to one ordinarily skilled in the art at the time the invention was made that inherent with a surveying/auditing of license usage within a corporate organization, efforts will be made to maximize the use of all purchased licenses, and management would want to know where such allocated licenses were not being used, in order to maybe to change or redistribute that allocation.

As per **claims 2, 4, 6, 11, 13.**

Bereiter discloses all the limitations of claims 1, 3, 10 and 12.

Bereiter in view of Duvvoori disclose all the limitations of claim 5.

Neither reference specifically recites

.. generating a software dictionary which identifies software during collection of the inventory information;

wherein the means for collecting the inventory information collects the inventory information by using the generated software dictionary which is distributed to each of the plurality of computers in the organization from which the inventory information is collected.

However, Duvvoori discloses using “replicated databases” (C2, L61 – C3, L10) identifying pertinent information about the software licenses to be surveyed/audited to be duplicated on local machines and which will be used to collect license usage data at each such local machine.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to combine the teachings of Bereiter and Duvvoori, to allow for a “dictionary” or database identifying pertinent information about the software licenses to be surveyed/audited to be duplicated on local

Art Unit: 3621

machines, in order to make the collection of usage data at each machine of a wide area network faster and more responsive to network-wide collection requests from the central server.

As per **claims 7, 14, 19.**

Bereiter discloses

An [apparatus/medium] for managing software licenses (see all above citations) comprising:
means for managing a number of software licenses owned by an entire organization;

Duvvoori discloses

means for generating, ... a software dictionary (C2, L61 – C3, L10: “replicated databases”) for identification of software and a license policy used for determination of presence of a license;

means for distributing the software dictionary, over a network, to each of a plurality of computers within the organization in order to collect inventory information from each of the computers, the inventory information including information regarding software actually installed in each computer (C2, L61 – C3, L10: “replicated databases”); and

means for reporting ... a usage number of software licenses calculated on the basis of the collected inventory information and the license policy (C7, L8-11: reports: Fig 1, associated text).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to combine the teachings of Bereiter and Duvvoori, to allow for a “dictionary” or database identifying pertinent information about the software licenses to be surveyed/audited to be duplicated on local machines, in order to make the collection of usage data at each machine of a wide area network faster and more responsive to network-wide collection requests from the central server.

Neither reference specifically recites

means for receiving from a higher-level server an organization-wide policy which is information regarding a logic for collection of a usage number of software licenses;

However, Bereiter discloses a network (Fig 1, associated text) consisting of a higher authority server linked to node servers and managed nodes. Duvvoori also discloses a central server that manages organization-wide software license policy (Fig 1, associated text). Both systems are directed to software license management within a large, enterprise-wide organization, with central authority for determining license counts and policy. It would have been obvious to one ordinarily skilled in the art at the time the invention was made that in both systems taught by the references, a “higher-level server” would inherently dictate policy and the logic for collection of software license usage and the generation of

Art Unit: 3621

reports resulting from such surveying. This organization setup of course is necessary in order to provide uniform license policy and adherence to it by all user nodes within the organization.

As per **claims 8, 15**.

Both Bereiter and Duvvoori disclose the following limitations of these claims:

... managing a software-license holding number which represents a number of software licenses owned by an entire organization, and managing, for each section of the organization, a software-license right number which represents a total number of software licenses permitted to be used and a software-license usage number which represents a total number of software licenses in actual use; collecting, over a network, inventory information from each of a plurality of computers within the organization, the inventory information including information regarding software actually installed in each computer, and updating the software-license usage number of each section of the organization;

Neither reference recites in detail

in a case that the sum of the software-license usage numbers of all sections of the organization exceeds the software-license holding number, generating a purchase transaction for purchasing software licenses equal in number to a difference between the sum and the software-license holding number;

adding a number of purchased software licenses to the software-license holding number;

and

distributing a purchase expense to a section whose software-license usage number is greater than the corresponding software-license right number, and updating the software-license right number of the section.

However Bereiter does disclose that "remedial" actions would be taken should additional software licenses become necessary, including the issuing of purchase orders for more licenses (C9, L34-36). It would have been obvious to one skilled in the art at the time the invention was made that these further limitations of claim 8 would be inherent in any organization, when software is properly needed by its authorized employees, and when the current license count come up short. Issuing purchase orders for more license units and billing the department to which the additional licenses are assigned would be standard business practice.

As per **claim 9**.

Art Unit: 3621

The same prior art and obviousness analysis apply to all the limitations of this claim. It would have been obvious to one ordinarily skilled in the art that once the number of required licenses exceeds the non-use number of licenses for that same product, a business organization would inherently make a decision to purchase the difference between those two numbers, as a standard business practice.

As per claims 23-26.

Bereiter in view of Duvvoori disclose all the limitations of these claims (see all above citations).

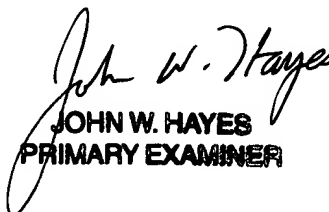
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DQL


JOHN W. HAYES
PRIMARY EXAMINER